

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NANCY MCGINLEY, Special  
Administrator of the Estate of Donald  
McGinley,

Plaintiff,

**V.**

MEDTRONIC USA, and MEDTRONIC,  
INC.,

Defendants.

8:07CV424

ORDER

This matter is before the court on the parties joint stipulation to vacate the court's order of dismissal without prejudice (Filing No. 13) and for the entry of a dismissal with prejudice. Filing No. 14. The court being fully advised in the premises finds that the stipulation should be, and hereby is, sustained.

IT IS ORDERED THAT:

1. The court's order of dismissal without prejudice (Filing No. 13) is vacated;
2. The joint Stipulation for Dismissal (Filing No. 14) is approved;
3. The Complaint (included in Filing No. 1) is hereby dismissed with prejudice;  
and
4. The parties will pay their own costs.

DATED this 10<sup>th</sup> day of July, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge